

REMARKS

Rejection under 35 U.S.C. § 103(a)

Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,195,523 to Helbing (hereinafter the Helbing patent) in view of U.S. Patent No. 5,694,191 to Strathman et al (hereinafter the Strathman patent).

It is noted that the Helbing patent is only available (if at all) as prior art under 35 U.S.C. § 102(e), because the Helbing patent issued after the filing date of the present application. Moreover, subject matter, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, does not preclude patentability under 35 U.S.C. § 103(a) where the subject matter and the claimed invention were, at the time that the invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c).

Further, Applicants note that the Helbing patent is assigned to Hewlett-Packard Company as reflected on the front page of the patent. The present application is also assigned to Hewlett-Packard Company. The present application and the Helbing patent were, at the time of the invention of the subject matter claimed in the present application, owned or subject to an obligation of assignment to Hewlett-Packard Company. *See* M.P.E.P. § 706.02(1)(2).

Because the Helbing patent cannot preclude patentability of the claimed subject matter of the present application under 35 U.S.C. § 103(a), Applicants respectfully submit that the outstanding rejection under 35 U.S.C. § 103(a) should be withdrawn.

Moreover, claim 1 recites, in part:

- a first electrode;
- a second electrode; and
- a layer of liquid crystal material positioned between the first and second electrodes;

wherein the first and second electrodes conduct current to heat the polarizer.

Claim 13 recites a method of driving a switchable polarizer that has at least "first and second electrodes and a liquid crystal material between the electrodes," where "during a first driving mode, the electrodes heat the liquid crystal material."

The Examiner relies on the Strathman patent to address the first and second electrodes that heat the polarizer or the liquid crystal material. However, the Strathman patent merely discloses heating element 300 that is disposed on the display surface of the LCD. Col. 3, lines 1-3. Specifically, heating element 300 of the Strathman patent includes resistive film 102 that conducts current and thereby generates heat. Resistive film 102 is applied as a uniform layer over an LCD. *See* FIGURE 3. Electrodes 108 and 110 are disposed on opposite ends of resistive film 102 to enable the current to flow through resistive film 102. Thus, it is seen that electrodes 108 and 110 of the Strathman patent are on the same side of the LCD. Therefore, the Strathman patent does not teach or suggest disposing the liquid crystal between the electrodes to heat the liquid crystal.

Accordingly, Applicants respectfully submit that the cited art, that is available for a rejection under 35 U.S.C. § 103(a), does not teach or suggest each and every limitation of claims 1 and 13. A prima facie case of obviousness has not been established for claims 1 and 13. M.P.E.P. § 2143.03. Claims 2-12 and 14-19 respectively depend from base claims 1 and 13 and, hence, inherit all limitations of their respective base claim. Thus, a prima facie case of obviousness has not been established for claims 2-12 and 14-19.

New Claims

Applicants have added new claims 24-28. New claims 24-28 are supported by the specification by, at least, page 6, line 9 through page 10, line 16. No new matter has been entered.

Claim 20 recites, in part:

- a set of electrodes; and
- a layer of liquid crystal material positioned between the set of electrodes;
- wherein said set of electrodes are operable to control polarization states of said layer of liquid crystal and are operable to conduct sufficient current to control a temperature of said layer of liquid crystal.

Claim 24 recites, in part:

driving a set of electrodes to cause current to flow through said set of electrodes to sufficiently heat a liquid crystal layer of said liquid crystal polarizer to control a temperature of said liquid crystal layer; and

driving said set of electrodes to establish an electric field across said layer of liquid crystal to control polarization states of said liquid crystal.

Applicants respectfully submit that the art of record, that is available for a rejection under 35 U.S.C. § 103(a), does not teach or suggest each and every limitation of claims 20 and 24. For example, the available art of record does not teach or suggest controlling both the temperature of a layer of liquid crystal and the polarization states of the layer using the same electrodes. Thus, Applicants respectfully submit that claims 20 and 24 are patentable over the available art of record.

Conclusion

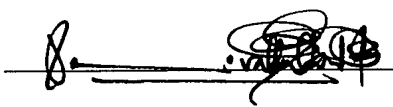
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicants have addressed the required fees for this amendment in the accompanying transmittal. However, if any additional fee and/or fee amount is due, please charge our Deposit Account No. 08-2025, under Order No. 10992292-1 from which the undersigned is authorized to draw.

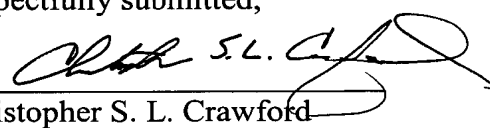
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315115189US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Date of Deposit: March 18, 2003

Typed Name: John Pallivathukal

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